

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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DATE FILED: 3/26/2020

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DOMINGO ROSARIO FIGUEROA,

Petitioner,

-against-

UNITED STATES OF AMERICA,

Respondent.  
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16-CV-4469 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:


WHEREAS on February 7, 2020, Petitioner filed an amended motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 (Dkt. 29); and

WHEREAS on February 21, 2020, the Government filed an opposition to Petitioner's amended petition for relief (Dkt. 31);

IT IS HEREBY ORDERED THAT: No later than **April 3, 2020**, the Government is directed to submit a letter brief, no more than five pages, explaining whether Defendant's reference to a gun during a telephone conversation in which an extortionate threat was made, *see* Government's Opp., Dkt. 31 at 12, constitutes "use" of a gun "during and in relation to any crime of violence" under 18 U.S.C. § 924(c) as it existed at the time of Petitioner's conviction in 1991. Petitioner's response of no more than five pages is due by **April 10, 2020**.

**SO ORDERED.**

**Date: March 26, 2020**  
**New York, New York**

  
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**VALERIE CAPRONI**  
**United States District Judge**